

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**AARON SCHMIDT**

**Plaintiff,**

**v.**

**HOSLEY INTERNATIONAL, INC.;**  
**FAS-PAK, INC.; and RNA CORPORATION.**

**Defendants.**

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**Case No. 4:15-CV-00614 CEJ**

**ORDER APPROVING SETTLEMENT**

Plaintiff Aaron Schmidt, as the class representative of the class of persons entitled to recover pursuant to RSMo §537.080 appears by and through affidavit and his attorneys. Defendants RNA Corporation, Fas-Pak, Inc. and Hosley International, Inc. appear by and through their attorneys.

Plaintiffs, by affidavit, waive the right to a jury trial and submit the proposed settlement to the Court for approval. Evidence having been submitted in the form of affidavits by all persons entitled to recover for the alleged wrongful death pursuant to § 537.080 RSMo, namely: Aaron Schmidt, Amanda Ulrich and Allison Schmidt and the Court being fully advised in the premises, it is hereby ordered, adjudged, and decreed:

1. Aaron Schmidt, Amanda Ulrich and Allison Schmidt constitute the class of persons entitled to recover for the alleged wrongful death of Larry Schmidt pursuant to § 537.080 RSMo. Larry Schmidt is not survived by any other person entitled to recover.

2. Plaintiff (as representative of the class of persons entitled to recover for the alleged wrongful death pursuant to § 537.080 RSMo) and Defendants RNA Corporation, Fas-

Pak, Inc. and Hosley International, Inc. have agreed to settle Plaintiff's claims against all Defendants for the total sum of \$105,000.00, with the following apportionment between the Defendants: RNA Corporation \$15,000.00; Fas-Pak, Inc. \$25,000.00; and Hosley International, Inc. \$65,000.00. Settlement of Plaintiff's claims, as representative of the class of persons under § 537.080 RSMo, against all Defendants for the total sum of \$105,000.00 with the apportionment mentioned above is a fair and reasonable compromise of doubtful and disputed claims, and is hereby approved and distributed as follows:

- a. Plaintiff is represented by counsel, Dowd & Dowd, P.C., and the Court approves payment of a 40% fee in the amount of \$42,000.00 to said counsel;
- b. The Court approves payment in reimbursement of \$9,165.40 in expenses to said counsel and authorizes a holdback of \$9,000.00 by said counsel to satisfy a Medicare lien;
- c. The remaining sum of \$44,834.60 is ordered divided evenly among Aaron Schmidt, Amanda Ulrich, and Allison Schmidt, with each to receive \$14,944.87.

3. Any and all claims of Aaron Schmidt, Amanda Ulrich, and Allison Schmidt, as the class of persons entitled to recover for the death of Larry Schmidt, against Defendants RNA Corporation, Fas-Pak, Inc. and Hosley International, Inc. and their agents, employees, successors, and insurers are hereby extinguished.

4. Plaintiff Aaron Schmidt has or shall execute a release on behalf of himself and the class of persons entitled to recover for the death of Larry Schmidt pursuant to § 537.080 RSMo,

thereby releasing all claims of said class of persons against Defendants RNA Corporation, Fas-Pak, Inc. and Hosley International, Inc.

5. Plaintiff Aaron Schmidt has or shall execute an agreement to hold harmless and indemnify Defendants for any claim related to Medicare liens related to the treatment of Decedent Larry Schmidt.

6. This judgment shall not affect Plaintiff's claims against any other party for the alleged wrongful death of Larry Schmidt.

SO ORDERED:

  
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The Honorable Carol E. Jackson

DATED: June 7, 2016